

RULE 403.4

Fugitive Dust Control for On-field Agricultural Sources¹

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit On-field Agricultural Source Fugitive Dust emissions from Agricultural Operation Sites by requiring Conservation Management Practices (CMP) to prevent, reduce or mitigate PM₁₀ emissions.

(2) Applicability

- (a) The provisions of this rule shall apply to any Agricultural Operation Site located within the Mojave Desert Air Quality Management District
- (b) Sources subject to Rule 403.3 – *Fugitive Dust Control for Off-field Agricultural Sources* are excluded from the provisions of this rule.

(B) Definitions

- (1) “Administrative Change” – A change to a Conservation Management Practices (CMP) Plan that:
 - (a) Corrects typographical errors;
 - (b) Identifies a change in the name, address, telephone number, or other contact information of an person identified in the CMP Plan, or provides a similar minor change which has no effect on the selected CMPs and does not change any information that could be used to determine emissions reduction; or
 - (c) Allows for the change of ownership or operational control of an Agricultural Operation Site or Agricultural Parcel.
- (2) “Agricultural Operation” – The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl. *[Derived from 17 CCR §93115.4(a)(1) (ATCM for Stationary Compression Ignition Engines)]*

¹ The majority of this rule is derived from Imperial County Air Pollution Control District Rule 806 – *Conservation Management Practices (as -adopted 11/08/05)* unless otherwise indicated. This rule was previously released as MDAQMD Rule 1186 – *Best Management Practices for Agricultural Operations*. Rule number and title has been updated to be consistent with other existing rules in this series.

- (3) “Agricultural Operation Site” – One or more Agricultural Parcels that meet the following:
- (a) Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and
 - (b) Are located on one or more Contiguous or Adjacent Properties wholly within the District.
- (4) “Agricultural Parcel” – A portion of real property, including, but not limited to, cropland, and Animal Feeding Operation (AFO) used by an Owner/Operator for carrying out a specific Agricultural Operation. Roads, vehicle/equipment traffic areas, and facilities, on or adjacent to the cropland or AFO are part of the Agricultural Parcel. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.4]*
- (5) “Air Pollution Control Officer (APCO)” – The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health and Safety Code §40750 and his or her designee. *[Derived from District Rule 1301(E)]*
- (6) “Alternative Tilling” – Rotate tillage leaving residue on soil. Tilling alternative rows for weed management and wind blown dust allows for approximately fifty (50) percent reduction in field activity in addition to stabilizing soil surface and reducing soil compaction.
- (7) “Animal Feeding Operation (AFO)” – A lot or facility where animals have been, are, or will be gathered, fed, stabled, for a total of forty-five (45) days or more in any twelve (12) month period and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility (as defined in 40 CFR 122.23 (b)(1)). *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.6]*
- (8) “Baling/Large Bales” – Using balers to harvest crop. Reduces PM emissions from crops traditionally harvested by chopping, truck, passes and residue burning.
- (9) “Bed/Row Size or Spacing” – Increase or decrease the size of the planting bed area (for field and permanent crops). Spacing adjustments reduce the number of passes and soil disturbance by increasing plant density/canopy through reduction of row width to contain PM within the canopy.
- (10) “Chemigation/Fertigation” – Application of chemicals and fertilizers through an irrigation system. Each application reduces the need to travel in the field for application purposes, thus reducing the number of passes and soil disturbance while increasing the efficiency of the application.
- (11) “Chips/Mulches, Organic Materials, Polymers, and Road Oil & Sand” – Application of any nontoxic chemical or organic dust suppressant that meets all

specification required by any federal, state, or local water agency and is not prohibited for use by any applicable regulations.

- (12) “Combined Operation” – To combine equipment, to perform several operations during one pass. The reduction in the number of passes necessary to cultivate the land will result in fewer disturbances of the soil. Other benefits are reduction of soil compaction and time to prepare fields, both of which can be precursors to additional tillage requirements.
- (13) “Conservation Irrigation” – To conserve the quantity of water use, including but not limited to: drip, sprinkler, buried/underground line. Conserving water reduces weed population, which in turn reduces the need for tillage as well as reduces soil compaction.
- (14) Conservation Management Practice (CMP)” – An activity or procedure that prevents, reduces, or mitigates PM₁₀ normally emitted by, or associated with, an agricultural activity.
- (15) “Conservation Management Practice Application (CMP Application)” – A document prepared pursuant to subsection (C)(2) below and submitted by the Owner/Operator of an Agricultural Operation Site that lists the selected BMPs for implementation and other information needed by the District to calculate emissions. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.9]*
- (16) “Conservation Management Practice Category (CMP Category)” – A grouping, including, but not limited to, agricultural activities related to land preparation, harvesting, handling and raising of fowl or animals, and the use of agricultural Unpaved Roads, and Unpaved Vehicle/Equipment Traffic Areas. The CMP Category “other” includes CMPs to reduce windblown emissions and agricultural burning emissions. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.10]*
- (17) “Conservation Management Practice Handbook (CMP Handbook)” – A handbook, developed in cooperation with agricultural stakeholders, that contains program guidance and criteria to assist Owners/Operators in selecting CMPs and preparing CMP Applications. The handbook will include descriptions of the CMPs, District CMP Applications, and other useful information about the CMP Program. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.11]*
- (18) “Conservation Management Practice List (CMP List)” – The list of CMPs grouped by CMP Categories. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.12]*
- (19) “Conservation Management Practice Plan (CMP Plan)” – A CMP Application as approved by the APCO. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.13]*

- (20) “Conservation Management Practice Program (CMP Program)” – A District program with the purpose of reducing air pollutants from Agricultural Operation Sites. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.14]*
- (21) “Conservation Tillage (e.g.: no tillage, minimum tillage)” – Types of tillage that reduce loss of soil and water in comparison to conventional tillage. It reduces the number of passes and amount of soil disturbance. It improves soil because it retains plant residue and increases organic matter.
- (22) “Contiguous or Adjacent Property” – Two or more parcels of land with a common boundary or separated solely by a public or private Road, or other public or private right-of way. *[Derived from MDAQMD Rule 1301(R)]*
- (23) “Cover Crops” – Use seeding or natural vegetation/regrowth of plants to cover soil surface. It reduces soil disturbance due to wind erosion and entrainment.
- (24) “District” – The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103. *[Derived from District Rule 1301(S)]*
- (25) “Equipment Changes/Technological Improvements” – To modify the equipment such as tilling; increasing equipment size; modify land planning and land leveling; matching the equipment to row spacing; granting to new varieties or other technological improvements. It reduces the number of passes during an operation, thereby reducing soil disturbance.
- (26) “Fallowing Land” – Temporary or permanent removal from production. Eliminates entire operation/passes or reduces activities.
- (27) “Fugitive Dust” – Solid Particulate Matter which becomes airborne other than emissions which could reasonably pass through a stack, chimney or vent and which are directly or indirectly caused by the activities of man. *[Derived from District Rule 102 and 1301(AA)]*
- (28) “Gravel” – Placing a layer of Gravel with enough depth to minimize dust generated from Vehicle movement and to dislodge any excess debris which can become entrained.
- (29) “Green Chop” – The harvesting of a forage crop without allowing it to dry in the field. It reduces multiple equipment passes in-field as well as reduces soil disturbance and soil compaction.
- (30) “Hand Harvesting” – Harvesting crop by hand. It reduces soil disturbance due to machinery passes.
- (31) “Integrated Pest Management” – A decision process that uses a combination of techniques including organic, conventional and biological farming concepts to suppress pest problems. It creates beneficial insect habitat that reduces the use of

herbicides/pesticides thereby reducing number of passes for spraying. It also reduces soil compaction and the need for additional tillage.

- (32) “Mature Dairy Cow” – A cow that has had its first calf. *[Derived from SJVUAPCD Rule 4550 Conservation Management Practices §3.18]*
- (33) “Mechanical Pruning” – Using a machine instead of hand labor to prune (applies as an Unpaved Road CMP only). It reduces Vehicle trips, thereby reducing PM emissions.
- {Definition not used in rule.}*(34) “Mulching” – Applying or leaving plant residue or other material to soil surface. It reduces entrainment of PM due to winds as well as reduces weed competition thereby reducing tillage passes and compaction.
- (35) “Natural Resource Conservation Service (NRCS)” – The United States Department of Agriculture (USDA) Natural Resource Conservation Service.
- (36) “Night Farming” – Operate at night, if practical, when moisture levels are higher and winds are lighter. It decreases the concentration of PM emissions during daytime and the increased ambient humidity reduces PM emissions during the night.
- (37) “Night Harvesting” – Implementing cultural practices at night, or at times of high humidity. It reduces PM by operating when ambient air is moist, thereby reducing PM emissions.
- (38) “Non Tillage/Chemical Tillage” – Use flail mower, low volume sprayers or heat delivery systems (such as harvest pre-conditioner). It reduces soil compaction and stabilizes soil through elimination or reduction of soil tillage passes.
- (39) “Off-field Agricultural Source” – Any Agricultural Source that meets the definition of: outdoor handling, storage and transport of bulk material; Paved Road; Unpaved Road; or Unpaved Vehicle/Equipment Traffic Area.
- (40) “On-field Agricultural Source” – Any Agricultural Source that is not an Off-field Agricultural Source, including:
 - (a) Activities conducted solely for the purpose of preparing land for the growing of crops or the raising of fowl or animals, such as brush or timber clearing, grubbing, scraping, ground excavation, land leveling, grading, turning under stalks, disking, or tilling;
 - (b) Drying or pre-cleaning of agricultural crop material on the field where it was harvested;
 - (c) Handling or storage of agricultural crop material that is baled, cubed, pelletized, or long-stemmed, on the field where it was harvested, and the handling of fowl or animal feed materials at Sites where animals or fowl are raised; or

- (d) Disturbances of cultivated land as a result of fallowing, planting, fertilizing or harvesting.
- (41) “Organic Pesticides” – Use biological control methods or non-chemical control. It reduces chemical use, thereby reducing passes.
- (42) “Owner/Operator” – Includes, but is not limited to, any person who leases, supervises, or operates equipment, or owns/operates a Fugitive Dust source, in addition to the normal meaning of owner or operator.
- (43) “Particulate Matter (PM)” – All finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods specified by United States Environmental Protection Agency (USEPA) or included in a State Implementation Plan. *[Derived from 40 CFR 51.100(pp)]*
- (44) “Paved Road” – A public or private Road covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete pavement with a pavement condition score of more than thirty (30) percent as determined by a pavement condition analysis criteria listed in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Pavement Management Systems*, July 1990, performed by a licensed contractor or by the governmental entity with jurisdiction over the Road. *[Derived from District Rule 1406(B)(1)]*
- (45) “Paving” – To pave an Unpaved Road.
- (46) “PM₁₀” – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers as measured by a reference method based on 40 CFR 50 Appendix J and designated in accordance with 40 CFR 53; or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with section 94100); or any equivalent method designated in accordance with 40 CFR 53.
- (47) “Precision Farming (GPS)” – Using satellite navigation to calculate position in the field, therefore manage/treat selective area. It reduces overlap and allows operations to occur during inclement weather conditions and at night thereby generating less PM.
- (48) “Pre-harvest Soil Preparation” – Applying a light amount of water or stabilizing material to soil prior to harvest (when possible). It reduces PM at harvest.
- (49) “Radio Communication” – Use of cell phones or radios for the purpose of employee communication to reduce the number of trips to the field by mechanics or supervisory personnel. *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde’s Draft Rule 806)]*
- (50) “Reduced Burning” – Switching to a crop/system that would reduce required waste burning. It reduces emissions associated with burning. *[Proposed by comment letter from California Cotton Growers Association, Palo Verde*

- (51) “Restricted Access” – To restrict public access to private Roads. It reduces Vehicle traffic and thus reduces associated Fugitive Dust.
- (52) “Road” – any Road or street, highway, freeway, alley, way, access easement or driveway. *[Derived from SJVUAPCD Rule 8011 General Requirements §3.49]*
- (53) “Shed Packing” – Packing commodities in a covered or closed area. Reduces field traffic, thereby reducing PM emissions.
- (54) “Shuttle System/Large Carrier” – Multiple bin/trailer. Haul multiple or larger trailer/bins per trip thereby reducing emissions through reduced passes.
- (55) “Speed Limits” – Enforcement of speeds that reduce visible dust emissions. The dust emissions from Unpaved Roads are a function of speed meaning reduced speed reduces dust.
- (56) “Track-out Control” – Minimize any and all material that adheres to and agglomerates on all Vehicle and equipment from Unpaved Roads and falls onto a Paved public Road or the paved shoulder of a Paved public Road.
- (57) “Transgenic Crops” – Use of a genetically modified organism (GMO) or plants that have been genetically engineered such as “herbicide-ready.” It reduces need for tillage or cultivation operations, as well as reduces soil disturbances. It can also reduce the number of chemical applications.
- (58) “Unpaved Road” – Any Road that is not covered by one of the materials described in the Paved Road definition. *[Derived from SJVUAPCD Rule 8011 General Requirements §3.64]*
- (59) “Unpaved Vehicle/Equipment Traffic Area” – “Any nonresidential area that is not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete pavement that is used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, Vehicles, and any conveyances. *[Derived from SJVUAPCD Rule 8011 General Requirements §3.66](60)*
“Vehicle” – A motor Vehicle as defined in California Vehicle Code §415. *[Derived from Health & Safety Code §39039]*
- (61) “Water Application” – Application of water to Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas.
- (62) “Wind Barrier” – A fence or structure constructed, or row of trees planted, to reduce the shearing effects caused by wind thereby reducing or eliminating the amount of entrained Fugitive Dust.. *[Used definition from 403.3 for consistency.]*

(C) Requirements

(1) General Requirements

- (a) All persons who own or operate an Agricultural Operation Site shall implement in each Agricultural Parcel at least one (1) of the CMPs listed in section (D) for each of the following categories:
 - (i) Land Preparation and Cultivation;
 - (ii) Harvest Activities;
 - (iii) Unpaved Roads;
 - (iv) Unpaved Vehicle/Equipment Traffic Areas.
- (b) The Owner/Operator of an Agricultural Operation Site may implement more than one (1) CMP for one (1) or more of the CMP Categories.
- (c) The Owner/Operator of an Agricultural Operation Site shall ensure that the implementation of each selected CMP does not violate any other local, state or federal law.
- (d) The Owner/Operator of an Agricultural Operation Site may develop alternative CMPs. The Owner/Operator shall submit to the APCO a technical evaluation of the alternative CMPs, demonstrating that the alternative CMP achieves PM emission reductions that are at least equivalent to other CMPs available for the applicable operations. The APCO will review the technical evaluation, and the alternative CMP must receive approval by the APCO before being included in the CMP Plan.
- (e) The Owner/Operator shall prepare a CMP Plan for each Agricultural Operation Site. The CMP Plan shall be made available to the APCO within seventy-two (72) hours of notice to the Owner/Operator.

(2) Conservation Management Practices for Fugitive Dust (PM)

The owner or operator of an Agricultural Operation Site shall implement at least one (1) of the following CMPs in each Agricultural Parcel to reduce PM emissions from:

- (a) Land Preparation and Cultivation
 - (i) Alternative Tilling;
 - (ii) Bed/Row Size or Spacing;
 - (iii) Chemical/Fertigation;
 - (iv) Combined Operations;
 - (v) Conservation Irrigation;
 - (vi) Conservation Tillage;
 - (vii) Cover Crops;
 - (viii) Equipment Changes/Technological Improvements;
 - (ix) Fallowing Land;
 - (x) Integrated Pest Management;
 - (xi) Mulching;

- (xii) Night Farming;
- (xiii) Non Tillage/Chemical Tillage
- (xiv) Organic Pesticides;
- (xv) Precision Farming (GPS);
- (xvi) Radio Communication;
- (xvii) Transgenic Crops;
- (xviii) USDA NRCS Erosion Implementation Plan; *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806]*
- (xix) USDA NRCS Conservation Plan Implementation; or [not defined] *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806]*
- (xx) Any alternative CMP approved pursuant to subsection (C)(1)(d).

(b) Harvesting

- (i) Baling/Large Bales;
- (ii) Combined Operations;
- (iii) Equipment Changes/Technological Improvements;
- (iv) Green Chop;
- (v) Hand Harvesting;
- (vi) Fallowing Land;
- (vii) Night Harvesting;
- (viii) Pre-harvest Soil Preparation;
- (ix) Radio Communication;
- (x) Reduced Burning;
- (xi) Shed Packing;
- (xii) Shuttle System/Large Carrier;
- (xiii) Any streamlining that eliminates passes over roads; or *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806]*
- (xiv) Harvest with adequate crop or soil moisture; *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806]*
- (xv) Any alternative CMP approved pursuant to subsection (C)(1)(d).

(c) Unpaved Roads

- (i) Chips/Mulches, Organic Materials, Polymers, and Road Oil & Sand;
- (ii) Gravel;
- (iii) Mechanical Pruning;
- (iv) Paving;

- (v) Restricted Access;
- (vi) Speed Limit;
- (vii) Track-out Control;
- (viii) Water Application;
- (ix) Wind Barrier;
- (x) Any streamlining that eliminates passes over roads; or *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806)]*
- (xi) Any alternative CMP approved pursuant to subsection (C)(1)(d).

(d) Unpaved Vehicle/Equipment Traffic Area

- (i) Chips/Mulches, Organic Materials, Polymers, and Road Oil & Sand;
- (ii) Gravel;
- (iii) Paving;
- (iv) Restricted Access;
- (v) Speed Limit;
- (vi) Track-out Control;
- (vii) Water Application;
- (viii) Wind Barrier;
- (ix) Any practice which reduces the use of Unpaved Vehicle/Equipment Traffic Areas; or *[Proposed by comment letter from California Cotton Growers Association, Palo Verde Irrigation District, Palo Verde Resource Conservation District, 12/09/2009 (attachment: Palo Verde's Draft Rule 806)]*
- (x) Any alternative CMP approved pursuant to subsection (C)(1)(d).

(3) CMP Plan Preparation

- (a) An owner or operator shall prepare a CMP Plan for each Agricultural Operation Site. Each CMP Plan shall include, but is not limited to, the following information: *[Derived from SJVUAPCD Rule 4550 §6.1]*
 - (i) The name, business address, and telephone number of the owner or operator responsible for the preparation and implementation of the CMP Plan;
 - (ii) The signature of the owner or operator and the date the CMP Plan was signed;
 - (iii) The location of the Agricultural Operation Site: crossroads; canal and gate number.
 - (iv) The crop grown at each location covered by the CMP Plan, total acreage for each crop, the length (miles) of Unpaved Roads, and the total area (acres or square feet) of the Unpaved Equipment and Traffic Areas to be covered by the CMP Plan;
 - (v) The CMPs implemented or planned for implementation; and
 - (vi) Other relevant information as determined by the APCO.

- (b) An owner or operator shall submit a CMP Application, prepared pursuant to subsection (C)(3)(a), to the APCO according to the following schedule: *[Derived from SJVUAPCD Rule 4550 §6.3]*
 - (i) For new Agricultural Operation Sites, at least sixty (60) days prior to commencement of operation.
 - (ii) For all existing Agricultural Operation Sites, no later than twelve (12) months after adoption of this rule.
 - (iii) For an existing Agricultural Operation Sites, within sixty (60) days of any operational, administrative, or other modification that necessitates revision of the CMP Plan. A modification includes, but is not limited to:
 - a. Administrative Changes to any information provided pursuant to section (C);
 - b. Implementation of a CMP other than the CMP listed in the CMP Plan;
 - c. Change in the crop or AFO on an Agricultural Parcel; or
 - d. Any other changes as determined by the APCO.
- (4) District Approval *[Derived from SJVUAPCD Rule 4550 §6.4]*
 - (a) The APCO shall review the CMP Application and determine whether the submitted CMP Application meets the requirements of subsection (C)(3)(a).
 - (b) The APCO shall notify the owner or operator in writing of the determination that the CMP Application is, or is not, complete and request the owner or operator to provide additional information within thirty (30) days or other time period as agreed upon in writing between the applicant and District.
 - (c) The APCO shall evaluate and either approve or disapprove the CMP Application and provide written notification to the owner or operator within 180 days or other time period as agreed upon in writing between the applicant and District, after receipt of the complete CMP Application, of the approval or disapproval of the CMP Application.
 - (d) A CMP Application for a modification to a CMP Plan pursuant to subsection (C)(3)(b)(iii)[a] shall be deemed approved as submitted unless written comments are transmitted by the owner or operator within thirty (30) days of receipt of the CMP Application or other time period as agreed upon in writing between the applicant and the District.
 - (e) A CMP Application for a modification to a CMP Plan pursuant to subsection (C)(3)(b)(iii)[b] through (C)(3)(b)(iii)[d] shall be deemed conditionally approved as submitted unless written comments are transmitted by the owner or operator within thirty (30) days of receipt of the CMP Application or other time period as agreed upon in writing between the applicant and the District.

- (f) The approval of the CMP Application shall not serve to excuse the owner or operator from complying with this or any other applicable District rule or regulation, nor shall it excuse any violation.

(D) Exemptions *[Derived from SJVUAPCD Rule 4550 §4.0]*

- (1) The provisions of this Rule, except for the recordkeeping provisions of section (E), shall not apply to any of the following sources:
 - (a) An Agricultural Operation Site where the total acreage of all Agricultural Parcels is less than 100 acres excluding the Animal Feeding Operation (AFO) and other exempted lands pursuant to section (E).
 - (b) An Agricultural Parcel not actually under cultivation or used for pasture.
 - (c) Land placed in the Conservation Reserve Program meeting the definition and criteria set by the USDA NRCS.
 - (d) An Agricultural Operation Parcel used for the purpose of:
 - (i) Propagating young trees, shrubs, and other miscellaneous crops for transplanting, and exhibiting plants under controlled conditions inside a building with walls and roof;
 - (ii) Providing grazing rangeland or pasture; or
 - (iii) Forestry, including but not limited to timber harvest operations, silvicultural practices, forest management burning, or forest protection practices.
- (2) The provisions of this rule, except for the recordkeeping provisions of section (E), shall not apply to any of the following sources within an Agricultural Operation Site: *[Derived from SJVUAPCD Rule 4550 §4.2]*
 - (a) An AFO of Mature Dairy Cows with less than 500 Mature Dairy Cows, whether milked or dry;
 - (b) An AFO of cattle, other than Mature Dairy Cows or veal calves, with less than 190 cattle, other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls and cow/calf pairs;
 - (c) An AFO of turkeys with less than 55,000 turkeys;
 - (d) An AFO of chickens, other than laying hens, with less than 125,000 chickens (other than laying hens);
 - (e) An AFO of laying hens with less than 82,000 laying hens; or
 - (f) An AFO other than an AFO for Mature Dairy Cows, cattle, turkeys, chickens, or laying hens.

- (3) Loss of Exemption – An Owner/Operator of an Agricultural Operation Site or Agricultural Parcel that becomes subject to the provisions of section (C) of this rule, through loss of exemption, shall immediately comply with all applicable provisions of this rule. *[Derived from SJVUAPCD Rule 4550 §6.6]*

(E) Monitoring and Records *[Derived from SJVUAPCD Rule 4550 §6.5]*

- (1) An Owner/Operator subject to this rule shall maintain the following records for a minimum of five (5) years:
 - (a) A copy of each CMP Application and CMP Plan.
 - (b) Supporting information necessary to confirm the implementation of the CMPs.
- (2) An Owner/Operator claiming exemption pursuant to section (D) shall maintain records for a minimum of five (5) years that demonstrate that the Agricultural Operation Site or Agricultural Parcel qualified for the exemption.
- (3) An Owner/Operator shall, upon request, make available to the APCO the records required to be kept pursuant to subsection (E)(1) and subsection (E)(2).

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